

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7150 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

TARACHAND SITAJI PUROHIT

Versus

ARASURI AMBAJI MATA DEVASTHAN TRUST

Appearance:

MR AD MITHANI for Petitioners

MR GIRISH D BHATT for Respondent No. 1

MR VB GHARANIA for Respondents No. 2, 3 and 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/08/1999

ORAL JUDGEMENT

Learned counsel for the parties state that this petition was ordered to be heard with special civil application No.4731/85 which has already been decided by this Court on 3rd December, 1997. They further state that this matter is squarely covered by the decision of this Court in the aforesaid special civil application and this special civil application may also be disposed of in the terms in which the special civil application No.4731/85 has been decided.

In the result, this special civil application is disposed of in terms that after completion of construction of 64 shops provisional allotment of the shops be made to the persons including the petitioners in accordance with law. While making provisional allotment, provisional rent of the shops to be charged shall also be notified to the persons concerned, and such persons will have the right to raise objection to the proposed rent of the shops, and after considering such objections and affording an opportunity of hearing to the affected persons, respondent No.1 shall decide the final rent to be charged. In case, still the allottees are not satisfied with the rent which has been fixed by respondent No.1, then they may approach the State Government in the concerned Department and the Secretary of the Department will constitute a Committee under his Chairmanship with other members, such as Secretary, Public Works Department and Secretary, Legal Department, to decide what should be the rent of the shops to be charged from the allottees. The Committee shall pass a reasoned order and copy of the same shall be given to all the concerned parties. Still thereafter if some grievance of the petitioners survive, then they will be at liberty to revive this special civil application by filing a simple note. Till the matter is decided finally as aforesaid, the interim relief which has been granted by this Court shall continue only to the extent of dispossession of the petitioners from the cabins in question and on the same terms as it is granted. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-